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RESOLUTION NO. 05-631

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **LATERAL 5, MAIN 10, FOUR MILE CREEK SEWER (AT GREENWICH, NORTH OF 13TH) 468-84124** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF **LATERAL 5, MAIN 10, FOUR MILE CREEK SEWER (AT GREENWICH, NORTH OF 13TH) 468-84124** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct **Lateral 5, Main 10, Four Mile Creek Sewer (at Greenwich, north of 13th) 468-84124**.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **One Hundred Five Thousand Dollars (\$105,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **December 1, 2005**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

UNPLATTED TRACT

THE EAST HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 27 SOUTH, RANGE 2 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS; EXCEPT THE SOUTH 18 ACRES THEREOF; TOGETHER WITH THE WEST 735 FEET OF THE SOUTH 18 ACRES OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 27 SOUTH, RANGE 2 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS; TOGETHER WITH THE WEST HALF OF THE SOUTHEASTERN QUARTER OF SECTION 9, TOWNSHIP 27 SOUTH, RANGE 2 EAST OF THE SIXTH PRINCIPLE MERIDIAN, SEDGWICK COUNTY, KANSAS, EXCEPT THE WEST 272.31 FEET THEREOF; TOGETHER WITH THE NORTH 4 ACRES OF THE SOUTH 18 ACRES, EXCEPT THE WEST 735 FEET THEREOF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 9,

TOWNSHIP 27 SOUTH, RANGE 2 EAST OF THE SIXTH PRINCIPAL
MERIDIAN, SEDGWICK COUNTY, KANSAS.

TRACT A

LOT 1, BLOCK 1, DILLON 12TH ADDITION, SEDGWICK COUNTY, KANSAS; TOGETHER WITH A PORTION OF LOT 2, BLOCK 1, DILLON 12TH ADDITION DESCRIBED AS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE BEARING N09°19'31"W, ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 65.74 FEET; THENCE BEARING N00°47'40"W, A DISTANCE OF 15.59 FEET; THENCE BEARING N89°12'20"E, A DISTANCE OF 254.87 FEET; THENCE BEARING S00°53'20"E, A DISTANCE OF 80.20 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 1; THENCE BEARING S89°06'40"W, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 245.25 FEET TO THE POINT OF BEGINNING.

TRACT B

A PORTION OF LOT 2, BLOCK 1, DILLON 12TH ADDITION TO SEDGWICK COUNTY, KANSAS, DESCRIBED AS; COMMENCING AT THE NORTHWEST CORNER OF LOT 2, BLOCK 1, DILLON 12TH ADDITION; THENCE BEARING S00°47'40"E, ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE BEARING N89°12'20"E, PARALLEL WITH THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 254.30 FEET; THENCE BEARING S00°53'20"E, A DISTANCE OF 252.41 FEET; THENCE BEARING S89°12'20"W, A DISTANCE OF 254.72 FEET TO THE WEST LINE OF SAID LOT 2; THENCE BEARING N00°47'40"W, A DISTANCE OF 252.41 FEET TO THE POINT OF BEGINNING.

TRACT C

A PORTION OF LOT 2, BLOCK 1, DILLON 12TH ADDITION TO SEDGWICK COUNTY, KANSAS, DESCRIBED AS; BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE BEARING N89°12'20"E, ALONG THE NORTH LINE OF LOT 2, A DISTANCE OF 785.00 FEET TO THE NORTHEAST CORNER OF LOT 2; THENCE BEARING S00°47'40"E, ALONG THE EAST LINE OF LOT 2, A DISTANCE OF 696.73 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE BEARING S89°06'40"W, ALONG THE SOUTH LINE OF LOT 2, A DISTANCE OF 494.98 FEET; THENCE BEARING N82°21'30"W, A DISTANCE OF 35.04 FEET TO THE SOUTHEAST CORNER OF LOT 1, BLOCK 1, DILLON 12TH ADDITION; THENCE BEARING N00°53'20"W, ALONG THE EAST LINE OF LOT 1, AND THE EXTENSION THEREOF, A DISTANCE OF 300.00 FEET; THENCE BEARING S89°12'20"W, A DISTANCE OF 254.87 FEET TO THE WEST LINE OF LOT 2; THENCE BEARING N00°47'40"W, ALONG THE WEST LINE OF LOT 2, A DISTANCE OF 90.00 FEET; THENCE BEARING N89°12'20"E, A DISTANCE OF 254.72 FEET; THENCE BEARING N00°53'20"W, A DISTANCE OF 252.41 FEET; THENCE BEARING S89°12'20"W, A DISTANCE OF 254.30 FEET TO THE WEST LINE OF LOT 2; THENCE

BEARING N00°47'40"W, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

TRACT D

LOT 3, BLOCK 1, DILLON 12TH ADDITION, SEDGWICK COUNTY, KANSAS.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: TRACT "A" shall pay 6,375/105,000 of the total cost of the improvements, TRACT "B" shall pay 5,625/105,000 of the total cost of the improvements, TRACT "C" shall pay 36,750/105,000 of the total cost of the improvements, TRACT "D" shall pay 26,250/105,000 of the total cost of the improvements; and UNPLATTED TRACT shall pay 30,000/105,000 of the total cost of the improvements.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended and K.S.A. 12-693.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, December 13, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)